

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**AMANDA HARDIN, individually
and as next friend of G.B., a minor
Plaintiffs**

v.

**PUNJAB TRUCKING LLC
FORWARD AIR, INC., and
KUMAR SUSHIL
Defendants**

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CIVIL ACTION NO. _____

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. 1332, 1441 and 1446, Defendant Forward Air, Inc. (“Defendant”) files this Notice of Removal from the 17th Judicial District Court of Tarrant County, Texas, to the United States District Court for the Northern District of Texas, Fort Worth Division, and respectfully states the following:

State C

1. On March 2, 2022, Plaintiff Amanda Hardin, Individually and as next friend of G.B., a minor, (“Plaintiff”) initiated this action by filing Plaintiff’s Original Petition (the “Petition”), Cause No. 017-332243-22, in the 17th Judicial District Court of Tarrant County, Texas (the “State Court Action”) against Defendant, Punjab Trucking, LLC and Kumar Sushil. Plaintiff asserts claims of negligence and negligence per se against Defendant Sushil and claims of *respondeat superior* against Forward Air, Inc and Punjab Trucking LLC. Since that original filing, Plaintiff has non-suited Punjab Trucking LLC. Plaintiff claims injuries allegedly sustained by Plaintiff in an automobile accident.

Timeliness of Removal

2. Defendant was served with Plaintiff's Petition on March 9, 2022.

3. Defendant files this Notice of Removal within thirty days after receipt of service of Plaintiff's Petition. Thus, pursuant to 28 U.S.C. 1446(b), Defendant's removal of this action is timely.

Grounds for Removal

4. Pursuant to 28 U.S.C. 1441(a), the State Court Action may be removed to this Court because this Court has original jurisdiction of the claims and parties in the State Court Action under 28 U.S.C. 1332. The United States District Court for the Northern District of Texas, Fort Worth Division, is the proper venue for this action because it presides over the district and division within which the State Court Action was filed (Tarrant County). *See* 28 U.S.C. 1441(a).

5. Plaintiff is a resident and citizen of the State of Texas. *See* Plaintiff's Original Petition, Para. IV, attached hereto as Exhibit A-2.

6. Defendant is a Tennessee corporation with its principal place of business in Greeneville, Tennessee. Thus, Defendant is domiciled in Tennessee.

7. Punjab Trucking LLC was alleged to be domiciled in Arlington, Texas but since Defendant filed its answer, Plaintiff has nonsuited Punjab from the lawsuit. Punjab is therefore no longer relevant to any removal considerations.

8. Complete diversity of citizenship therefore exists between Plaintiff and Defendant.

9. The amount in controversy exceeds \$75,000, excluding interest, costs and attorney's fees. *See* Plaintiff's Original Petition, Para. II, attached hereto as Exhibit A-2, indicating that Plaintiff seeks damages in excess of \$1,000,000.00.

Required Documents

10. The following documents are attached in accordance with LR81:
 - a. A completed civil cover sheet;
 - b. A supplemental civil cover sheet; and
 - c. A notice of removal with a copy of each of the following:
 - i. an index of all documents that clearly identifies each document and indicates the date the document was filed in state court, attached hereto as Exhibit A;
 - ii. a copy of the docket sheet in the state court action, attached hereto as Exhibit A-1;
 - iii. each document filed in the state court action, except discovery material, attached hereto as Exhibits A-2 through A-15; and
 - iv. a separately signed certificate of interested persons.

Notice of Removal

11. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this Notice of Removal to all adverse parties and a true and correct copy of this Notice of Removal will be filed with the Clerk of the 17th Judicial District Court of Tarrant County, Texas.

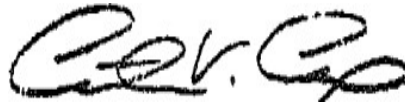
Request for Relief

12. Defendant requests the following relief:
 - a. That the Court make such orders, if any, and take such action, if any, as may be necessary in connection with the removal of the State Court Action to this Court; and

- b. Such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

COX P.L.L.C



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**ATTORNEYS FOR DEFENDANT
FORWARD AIR, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all counsel of records, in accordance with the Federal Rules of Civil Procedure on this the 8th day of April, 2022.

/s/ Gregory R. Brenner
Gregory R. Brenner